

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

ABC MORTGAGE CORPORATION, )  
f/k/a JOHN G. MACLEOD d/b/a )  
ABC MORTGAGE COMPANY, )  
Plaintiff, )  
                                )  
                                )  
v.                            ) C.A. No. 04-10816-MLW  
                                )  
SCOTTSDALE INSURANCE, CO., )  
Defendant.                   )

ORDER

WOLF, D.J.

March 3, 2006

For the reasons described in detail in court on March 2, 2006, it is hereby ORDERED that:

1. The defendant's Motion for Summary Judgment (Docket No. 27) is DENIED without prejudice.
2. The defendant's Motion to Bifurcate the Chapter 93A Claim and to Stay Discovery and Request for Hearing (Docket No. 30) is DENIED.
3. Defendant's counsel, George Rockas, shall, by March 10, 2006, pay \$500 in sanctions, for which Catherine O'Donnell and Stephen Abarbanel of Robinson & Cole, LLP are jointly liable for their violations of the June 7, 2005 Scheduling Order and Local Rule 83.5.2(c). See Fed. R. Civ. P. 16(f).<sup>1</sup>

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<sup>1</sup> On further reflection, the court has decided that it is not appropriate to impose sanctions on plaintiff's counsel.

4. The defendant shall, by March 17, 2006, respond to the plaintiff's Motion to Amend the Complaint (Docket No. 32). If the motion is not opposed, it will be deemed allowed and the defendant shall file an answer or otherwise respond to the Amended Complaint by April 7, 2006.

5. The defendant shall, by March 31, 2006, respond to the plaintiff's interrogatories and requests for production.

6. The defendant shall produce one or more witnesses to respond to the Rule 30(b)(6) deposition, which shall be completed by April 21, 2006.

7. Counsel for the parties shall confer and, by May 19, 2006, file a report as to the prospects for settlement and whether either party feels there is a proper basis for filing a motion for summary judgment.

8. A scheduling conference will be held on June 7, 2006, at 4:00 p.m., and must be attended by trial counsel with full settlement authority or with their client. If appropriate, a schedule for filing motions for summary judgment will be established at this conference.

/s/ MARK L. WOLF  
UNITED STATES DISTRICT JUDGE